

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
SECOND REGULAR SESSION
11th Legislative Day
Tuesday, February 11, 2014

The House met according to adjournment and was called to order by the Speaker.

Prayer by Pastor Matt Ward, Charleston Church.

National Anthem by Heather Rogers, Bradford.

Pledge of Allegiance.

Doctor of the day, Geoffroy Noonan, D.O., Portland.

The Journal of Thursday, February 6, 2014 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 353)

**CHILD DEVELOPMENT SERVICES
146 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

February 1, 2014

To: Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

From: S/Cindy Husson Brown, State CDS Director
State Intermediate Educational Unit-Child Development Services
146 State House Station, Augusta, Maine 04333

RE: Report Back on P.L. 2011, c 616: An Act to Implement the Recommendations of the Office of Program Evaluation and Government Accountability and the Government Oversight Committee Regarding Quasi-Independent State Entities.

Enclosed please find this year's report back on P.L. 2011, c 616 from Child Development Services (CDS). Included with the report is a copy of the Request for Proposals for a new data system that is moving forward right now and a letter from Commissioner Bowen to Commissioner Millett that includes updates on many of the initiatives underway within the CDS program. CDS has made progress towards fully implementing this law and would be happy to discuss further the contents of our master work plan, which will continue to increase accountability, efficiencies and effective interventions for children birth through five in Maine. I can be reached directly at 624-6663 or through my Administrative Assistant, Sue Kendall at 624-6662 as well as by email at Cindy.Brown@Maine.gov.

Thank you for allowing me to report on the continuing efforts to improve our Early Intervention and Early Childhood Special Education System for Maine children.

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 354)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

February 10, 2014

Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk MacFarland:

Please be advised that pursuant to his authority, Governor Paul R. LePage has nominated the following:

On February 7, 2014

Judge Daniel I. Billings of Bowdoinham and
Judge Robert E. Mullen of Waterville for appointment as a Justice to the Maine Superior Court.

Pursuant to Article V, Part First, §8 of the Maine Constitution, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Andrew B. Benson of Athens

Barbara L. Raimondi of Auburn

Honorable William J. Schneider of Durham

Eric J. Walker of Belmont and

Lance E. Walker of Falmouth for appointment as a District Court Judge.

Pursuant to Title 4 MRSA, §157, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Peter M. SeeHusen of Corinna for appointment to the Maine Outdoor Heritage Fund Board.

Pursuant to Title 12, MRSA, §10308, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Environment and Natural Resources.

Thomas W. Dobbins of Scarborough for appointment to the Board of Environmental Protection.

Pursuant to Title 38, MRSA, §341-C, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Environment and Natural Resources.

Dr. Thomas E. Eastler of Farmington for reappointment to the Board of Environmental Protection.

Pursuant to Title 38, MRSA, §341-C, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Environment and Natural Resources.

Sincerely,

S/Mark W. Eves

Speaker of the House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 355)

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

February 11, 2014

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Energy, Utilities and Technology

L.D. 826

An Act To Eliminate the Opt-out Charges for Smart Meters

Environment and Natural Resources

L.D. 1694

An Act To Improve the Water Quality of Inland Waters (EMERGENCY)

Health and Human Services

L.D. 1599 Resolve, Directing the Commissioner of Health and Human Services To Advance the Safe Handling of Hazardous Drugs To Protect Health Care Personnel (EMERGENCY)

Labor, Commerce, Research and Economic Development

L.D. 449 An Act To Ensure Consumer Choice in the Purchase of Prescription Drugs (EMERGENCY)

L.D. 1648 An Act To Protect Maine Consumers from Abusive and Deceptive Debt Collection Practices

L.D. 1659 An Act To Amend the Uniform Deceptive Trade Practices Act

Taxation

L.D. 1608 An Act To Amend the Law Governing the Collection of Minor Amounts of Property Taxes

L.D. 1646 An Act To Provide Property Tax Relief to Seniors Residing in Maine

L.D. 1654 An Act To Amend the Municipal Hardship or Poverty Tax Abatement Law To Reflect the Replacement of the Circuitbreaker Program (EMERGENCY)

Veterans and Legal Affairs

L.D. 1670 Resolve, To Require the Director of the Bureau of Maine Veterans' Services To Report on the Administration of the Coordinated Veterans Assistance Fund (EMERGENCY)

The sponsors and cosponsors have been notified of the Committee's action.

Sincerely,

S/Millicent M. MacFarland

Clerk of House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Allow All Veterans To Be Eligible for In-state Tuition Rates" (EMERGENCY)

(H.P. 1267) (L.D. 1768)

Sponsored by Representative LUCHINI of Ellsworth.

Cosponsored by Senator TUTTLE of York and Representatives: DEVIN of Newcastle, Speaker EVES of North Berwick, FREDETTE of Newport, HUBBELL of Bar Harbor, McCABE of Skowhegan, SCHNECK of Bangor.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent for concurrence.

Bill "An Act To Make Available to the Public Certain Information Concerning the Alcohol Content of Malt Liquor, Wine and Spirits" (EMERGENCY)

(H.P. 1265) (L.D. 1763)

Sponsored by Representative LUCHINI of Ellsworth.

Cosponsored by Senator PATRICK of Oxford and Representatives: FREDETTE of Newport, HERBIG of Belfast, LONGSTAFF of Waterville, McCABE of Skowhegan, ROCHELO of Biddeford, SAUCIER of Presque Isle, SCHNECK of Bangor.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **VETERANS AND LEGAL AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

Sent for concurrence.

Pursuant to Statute

Criminal Law Advisory Commission

Representative DION for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Bail Code, the Maine Juvenile Code and the Maine Criminal Code and Related Statutes"

(H.P. 1266) (L.D. 1764)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill was **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

The following items were taken up out of order by unanimous consent:

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Pursuant to Statute

Department of Agriculture, Conservation and Forestry

Representative DILL for the **Department of Agriculture, Conservation and Forestry** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 33: Agricultural Development Grant Program, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry (EMERGENCY)

(H.P. 1268) (L.D. 1770)

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Department of Environmental Protection

Representative WELSH for the **Department of Environmental Protection** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a Late-filed Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

(H.P. 1270) (L.D. 1772)

Be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve was **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute
Department of Environmental Protection**

Representative WELSH for the **Department of Environmental Protection** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 106: Low Sulfur Fuel, a Late-filed Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

(H.P. 1271) (L.D. 1773)

Be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve was **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute
Department of Education**

Representative MacDONALD for the **Department of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Late-filed Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1272) (L.D. 1774)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute
Maine Land Use Planning Commission**

Representative WELSH for the **Maine Land Use Planning Commission** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 13: Metallic Mineral Exploration, Advanced Exploration and Mining, a Major Substantive Rule of the Maine Land Use Planning Commission (EMERGENCY)

(H.P. 1269) (L.D. 1771)

Be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve was **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

**REPORTS OF COMMITTEE
Change of Committee**

Report of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Clarify the Law Governing the Maintenance of Veterans' Grave Sites"

(S.P. 656) (L.D. 1662)

Reporting that it be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Report was **READ** and **ACCEPTED** and the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

Divided Reports

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-378)** on Bill "An Act To Require Health Insurance Coverage for Hearing Aids for Adults"

(S.P. 213) (L.D. 523)

Signed:

Senators:

GRATWICK of Penobscot
WHITTEMORE of Somerset
WOODBURY of Cumberland

Representatives:

TREAT of Hallowell
BEAUDOIN of Biddeford
BECK of Waterville
COOPER of Yarmouth
DOAK of Columbia Falls
McCLELLAN of Raymond
MORRISON of South Portland
PRINGLE of Windham
WALLACE of Dexter

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representative:

FITZPATRICK of Houlton

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-378)**.

READ.

On motion of Representative MORRISON of South Portland, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-378)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-378)** in concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Reduce Costs and Increase Access to Methadone Treatment" (H.P. 858) (L.D. 1213)

Signed:

Senators:

CRAVEN of Androscoggin
HAMPER of Oxford
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
MALABY of Hancock
McELWEE of Caribou
SANDERSON of Chelsea
SIROCKI of Scarborough

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-598)** on same Bill.

Signed:

Representatives:

PETERSON of Rumford
STUCKEY of Portland

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (H-598)** Report.

READ.

On motion of Representative BERRY of Bowdoinham, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 677) (L.D. 1711) Bill "An Act To Amend the Territory of the Bayville Village Corporation" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(S.P. 341) (L.D. 996) Bill "An Act To Improve the Accuracy of Fuel Tax Reporting" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "B" (S-381)**

(S.P. 568) (L.D. 1512) Bill "An Act To Increase Funding for Start-ups" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-382)**

(H.P. 1200) (L.D. 1677) Bill "An Act To Make Minor Technical Changes to the Laws Governing the Department of Labor" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 517) (L.D. 766) Bill "An Act To Define 'Brand' under the Liquor Laws" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-599)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

BILLS IN THE SECOND READING

House

Bill "An Act Related to the Report of the Tax Expenditure Review Task Force"

(H.P. 1264) (L.D. 1762)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative BERRY of Bowdoinham, was **SET ASIDE.**

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENGROSSED** and later today assigned.

ENACTORS

Emergency Measure

An Act To Increase the Base for the Cost-of-living Increase for Retired State Employees and Teachers

(S.P. 68) (L.D. 232)

(C. "A" S-375)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on **PASSAGE TO BE ENACTED.**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER:** A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 480

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Cassidy, Chase, Chenette, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Harvell, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson P, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver,

Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Carey, Casavant, Chapman, Johnson D, Peavey Haskell, Saxton, Treat.

Yes, 144; No, 0; Absent, 7; Excused, 0.

144 having voted in the affirmative and 0 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Permit the Sharing of Revenue from the Sale of Alcoholic Beverages at Sporting Events

(S.P. 679) (L.D. 1713)

(C. "A" S-377)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services

(H.P. 1154) (L.D. 1583)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 21: Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services

(H.P. 1155) (L.D. 1584)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act Relating to Orally Administered Cancer Therapy

(S.P. 217) (L.D. 627)

(C. "B" S-379)

An Act To Permit a Student Holding a Degree from a Non-Maine Institution To Participate in the Job Creation Through Educational Opportunity Program

(H.P. 1009) (L.D. 1421)

(C. "A" H-596)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Improve Access to Oral Health Care

(H.P. 870) (L.D. 1230)

(C. "C" H-589)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative BERRY of Bowdoinham, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

An Act To Authorize Public Safety Personnel and Members of the Military To Wear Their Uniforms When Visiting Schools in Their Official Capacities

(H.P. 1150) (L.D. 1579)

(H. "A" H-597 to C. "A" H-594)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative BERRY of Bowdoinham, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'd like to recall us back to some pre-9/11 days, pre-Columbine days, pre-Newtown days, when schools boards, and trust me, I was there, when school boards around the state struggled with the issue of school resource officers in their schools. I will say that the fundamental conversations in schools boards, at the time, were whether we allow weapons in our schools. Now, look, obviously, there is going to be some disagreement among us, as legislators, as to whether all of our teachers should be armed, there should be no weapons in schools or there should be some mix of the two. I argue before this House, my friends and colleagues, that the state is overstepping its bounds in requiring this measure. Specifically, to require a school to allow a uniformed public service officer and I'm not talking about fire protection, for example, but police officers on their school grounds, a uniformed police officer on the school grounds, on duty, requires him or her to carry a firearm which means this legislation would preclude or supersede any local school board's ability to say, "We want a gun-free school zone." Now, I would also say and I am going to refer to my dear – I wish I were old enough to have met this great statesman from the State of Maine – I refer to Margaret Chase Smith and her "Declaration of Conscience" speech. It is not proper for us to question each other's patriotism in a matter such as this. Now, look, this Legislature will consider many legislative initiatives during this session and I point out one of the obvious ones, LD 16, which refers to local input regarding wind siting in unorganized territories. This Legislature will be seeking to find the balance between the state authority and the authority of local communities to regulate the conduct of their own municipal organizations. I will argue, Mr. Speaker, before this House that the best decisions about our local schools are made by our local school board officials and their direct representatives, their citizens who elect them a little more directly, quite frankly, Mr.

Speaker, than they direct us. I would urge my colleagues and friends in this esteemed body to vote no on this measure. Thank you, Mr. Speaker.

Under suspension of the rules, members were allowed to remove their jackets.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of enactment of the bill before us and to urge my colleagues to vote in support of that bill. This is about inspiring our young people to serve in a number of occupations. All of them are very honorable public service occupations. I want to note that this is no longer an unfunded mandate. I certainly respect the concerns that were just voiced regarding weapons in schools, but I want to be clear that this bill does not anywhere reference weapons and the carrying of weapons. Current law does prevent schools from barring weapons when public safety officers need to enter and happen to be carrying firearms, but this bill would not change anything about that. It is no longer an unfunded mandate. It's a good bill. I hope we can vote for it today. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Wallace.

Representative **WALLACE**: Thank you, Mr. Speaker. I would like to take this opportunity to express my thanks to the members of the party in reconsidering the vote to the military in the schools. This was a very contentious bill last year and I thank you very much for reconsidering and bringing this forward again. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Wilson.

Representative **WILSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It's great to stand up for the first time this year and good to see you all. You know, in thinking about this bill, my first thoughts are thank you to the Representative, I believe, from Newcastle, Representative Devin. This is an important bill. It was really important to me last year. I fought pretty hard for it. Obviously, I failed so I'm really thankful that the bill was brought back up this year and while I'm not 100 percent clear, if anything has changed, nonetheless, we still have this measure before us and without wanting to make it partisan, I just hope that this year we'll be able to support it and send a positive message to our military members. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dill.

Representative **DILL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to support this measure. As the chair of two local school boards, I do not see that this in any way usurps our authority on the issue that was presented earlier. Thank you.

The SPEAKER: The Chair recognizes the Representative from Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker, and I'd like to express my apologies for my fellows in the House for rising for a second time. I'd like to speak directly to the Representative of Bowdoinham's assertion that weapons in schools are currently precluded. I would argue that schools can say, "We do not allow weapons in our school unless we have an emergency and we invite public safety personnel into our schools to address those concerns." I would argue once again that local control of schools

is a local decision and it should affect local community values, regardless of how we, as legislators, think, regardless of what the communities we represent think, that the school boards who serve the communities that their schools serve are best in a position to determine whether or not this policy is proper. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There are some schools right down in York County that have hired deputy sheriffs to be in the school when the children are attending school and they have guns, so I don't think guns has nothing to do with this. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 481

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Cassidy, Chase, Chenette, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Daughtry, Davis, DeChant, Devin, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jackson, Johnson P, Jorgensen, Kaenrath, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Stuckey, Theriault, Timberlake, Tipping-Spitz, Turner, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Chipman, Harlow, Jones, Kent.

ABSENT - Carey, Casavant, Chapman, Harvell, Johnson D, Peavey Haskell, Saxton, Treat, Tyler.

Yes, 138; No, 4; Absent, 9; Excused, 0.

138 having voted in the affirmative and 4 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolve, Regarding Legislative Review of Portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order To Minimize Off-Target Deposition, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry

(H.P. 1137) (L.D. 1567)

(C. "A" H-590)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative BERRY of Bowdoinham, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 482

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Bolduc, Briggs, Campbell J, Campbell R, Chase, Chipman, Cooper, Cotta, Crafts, Cray, Davis, DeChant, Dill, Dion, Doak, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harvell, Hayes, Herbig, Hobbins, Hubbell, Jackson, Johnson P, Jorgensen, Kent, Keschl, Kinney, Knight, Kornfield, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Boland, Brooks, Cassidy, Chenette, Daughtry, Devin, Dickerson, Dorney, Dunphy, Evangelos, Harlow, Hickman, Jones, Kaenrath, Kruger, Kumiega, Kusiak, Malaby, McGowan, Rykerson, Stuckey.

ABSENT - Carey, Casavant, Chapman, Clark, Crockett, Johnson D, Peavey Haskell, Saxton, Treat.

Yes, 121; No, 21; Absent, 9; Excused, 0.

121 having voted in the affirmative and 21 voted in the negative, with 9 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Resolve, Regarding Legislative Review of Portions of Chapter 20: Special Provisions, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry

(H.P. 1138) (L.D. 1568)
(C. "A" H-591)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative BERRY of Bowdoinham, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 483

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Bolduc, Briggs, Brooks, Campbell R, Chase, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Daughtry, Davis, DeChant, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harvell, Hayes, Herbig, Hobbins, Hubbell, Jackson, Johnson P, Jorgensen, Kent, Keschl, Kinney, Knight, Kornfield, Kruger, Kumiega, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon,

Nutting, Parry, Pease, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Boland, Cassidy, Chenette, Devin, Evangelos, Harlow, Hickman, Jones, Kaenrath, Kusiak, McGowan, Rykerson, Stuckey.

ABSENT - Campbell J, Carey, Casavant, Chapman, Crockett, Johnson D, Peavey Haskell, Saxton, Treat.

Yes, 129; No, 13; Absent, 9; Excused, 0.

129 having voted in the affirmative and 13 voted in the negative, with 9 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Resolve, Regarding Legislative Review of Portions of Chapter 51: Notice of Aerial Pesticide Application, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry

(H.P. 1139) (L.D. 1569)
(C. "A" H-592)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative BERRY of Bowdoinham, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 484

YEA - Ayotte, Beaudoin, Beaulieu, Beck, Bennett, Berry, Black, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Chase, Chipman, Clark, Cooper, Cotta, Crafts, Cray, Crockett, Davis, DeChant, Dill, Dion, Doak, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gifford, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harvell, Hayes, Herbig, Hobbins, Hubbell, Jackson, Johnson P, Jorgensen, Kent, Keschl, Kinney, Knight, Kornfield, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peoples, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Sanborn, Sanderson, Saucier, Schneck, Shaw, Short, Sirocki, Stanley, Theriault, Timberlake, Tipping-Spitz, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Boland, Cassidy, Chenette, Daughtry, Devin, Dickerson, Dorney, Evangelos, Harlow, Hickman, Jones, Kaenrath, Kumiega, Kusiak, McGowan, Russell, Rykerson, Stuckey.

ABSENT - Carey, Casavant, Chapman, Johnson D, Kruger, Peavey Haskell, Saxton, Treat.

Yes, 124; No, 19; Absent, 8; Excused, 0.

124 having voted in the affirmative and 19 voted in the negative, with 8 being absent, and accordingly the Resolve was

FINALLY PASSED, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

HOUSE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-598)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reduce Costs and Increase Access to Methadone Treatment"

(H.P. 858) (L.D. 1213)

Which was **TABLED** by Representative BERRY of Bowdoinham pending **ACCEPTANCE** of either Report.

Representative FARNSWORTH of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Goode.

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Thank you and I rise in opposition to the current motion. This bill was brought forward by Representative Lockman and myself and other members of the Bangor Delegation are cosponsor of this bill. In my five years representing part of Bangor in the Legislature, we've had a lot of discussions in our municipality about Methadone and Suboxone treatment. It's been a very, I think, difficult issue for elected officials throughout the City of Bangor. After the last election, there were a lot more conversations where many of us learned more about this type of treatment for substance abuse. The bill was brought forward to us by a city councilor and our city council unanimously supported this bill and this type of policy. The bill that was brought forward by the Representative from Amherst had to deal with insuring that people who live outside of a service center, so folks who live in more rural or more suburban parts of Maine, had access to substance abuse treatment in their hometowns. The bill, as written, required federally qualified health centers that provide substance abuse treatment to also provide Methadone and Suboxone treatment to patients close by. I think as the legislative delegation from Bangor, our city councilors and other leaders learn more about this type of policy, we felt like Bangor increasingly has folks from outside Bangor but within the State of Maine, so folks from more rural counties who don't have this type of treatment, who consistently come to our city to receive these type of services. People come to Bangor for all kinds of services, whether it's retail shopping or entertainment or health care treatment, and we felt like this policy was a more fairer way of making sure everybody could get good Methadone treatment and it was also better for patients because they would be more closer to their natural environments, more closer to family, our social networks that would allow them to get good treatment. I know that the Health and Human Services Committee worked very hard on this bill and that it wasn't maybe the ideal solution at this time, but I think that we should have a conversation about this. I think people in Bangor have been very helpful in letting us learn about how best to make sure people get good treatment in a fair way close to their home, so I'll be voting against the pending motion. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Representative

Goode is exactly right and I do appreciate the intent of this bill that the Representative from Amherst, Representative Lockman, why he brought it forward. It would be ideal to be able to treat the individuals who are suffering from addiction to Methadone, etcetera, closer to their home, closer to their communities, to keep them home so they don't spend so much time on the road. When you are traveling back and forth two hours to Bangor every day to receive your daily therapy, it's pretty hard to get a job, it's pretty hard to be a constructive member of your community, so we appreciated the goal on the committee and we support that goal. Where we had to finally go no on this is because when you look at the federally qualified health centers, the FQHCs, their rates are set by the federal government. In all likelihood, as we struggle to close a \$57 million budget this year, struggle to send revenue sharing back out to the towns, struggle to support current programing and we're not even meeting current programing, the cost of this would probably exceed what we would save on transportation costs. Unfortunately, it is a fiscal reason why we did this. There is also a security issue. A lot of these FQHCs do not have a setup in place to be secure in order to serve this kind of population, so I would strongly support more investigation and more thought and more digging into this and exploration into this topic. But for right now, I'm going to vote no and I'm going to actually support the motion Ought Not to Pass and I urge you to join me on that, but I do really sincerely believe that this is a subject that we need to spend more time talking on and looking at more solutions to keep people closer to home in their communities for treatment. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Amherst, Representative Lockman.

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As the sponsor of LD 1213, I rise in opposition to the pending motion. The intent of LD 1213 is to change the current delivery of Methadone by providing addiction services within existing federally qualified health care centers, FQHCs, and also FQHC look-alikes and other qualified health care providers in rural, under-served areas statewide. This would allow individuals the opportunity to access treatment in a facility or by a provider closer to home, thus reducing travel time and transportation costs. The cost of addiction is great. It breaks up families financially as well as emotionally. It brings innocent babies into the world drug affected needing additional hospitalization. Addiction reduces our workforce because jobs are out there but many cannot pass a drug test. Addiction strains public safety resources. Now teachers have to deal with the fallout associated with addicted parents. Seven million dollars a year wasted on transportation costs, taxpayer dollars wasted on gasoline and tires, money that should be spent for real treatment, not maintenance, and be provided in a non-profit patient-centered health care facility. This we know: Our current treatment protocol is not working. The number of individuals receiving Methadone maintenance in 1996 was approximately 240. Today, that number is 4,700. Quoting Attorney General Janet Mills, "927 babies born in Maine last year began their lives under the influence of illegal drugs—more than twice the number in 2009." I'm going to repeat that. Twice as many babies born addicted last year as in 2009. "[It's] a hundred fifty-five more than in 2012, and [it's] a dramatic increase from the low of 165[, just a few years ago,] in 2005." Does anyone know the total number of babies born drug affected since 1996? The number would probably astound us. We should be outraged and demand a reassessment of our treatment modality. Voting no will allow us to begin the process of reducing the number of addicted individuals in this state. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Dorney.

Representative **DORNEY**: Thank you, Mr. Speaker. I am a member of the Health and Human Services Committee and I encourage you to vote in favor of the motion on the floor. I think it's very valuable to have treatment near where you live. Unfortunately, this bill really doesn't do that. The FQHCs, these health centers are really not that interested in doing methadone treatment. The other thing, if you're looking at treatment close to home, I was recently told that methadone patients from Rockland are now going to the methadone clinic near my district. They're going to Waterville and being driven there every day because the Rockland clinic is no longer taking MaineCare patients. This is a problem we need to address, but I don't think this will solve the problem. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I, too, will be voting in opposition to the pending motion. We have only a couple of crises in Maine, and in my town, we have a real problem with heroin addiction. In rural parts of the communities, we have a real problem with prescription drug addiction and, at some point, we've got to stop kicking the can down the road and, at some point, we actually have to do something pretty big to address the addiction issue in this state. It's going to require funding. The Chief Executive just came to us last week and talked about increasing the number of DEA agents. I, frankly, think that a more productive solution would be to ensure that we are providing treatment closer to home, closer to people's families, and to be able to increase access to addiction treatment generally. This may not be the perfect solution, but it is a vehicle by which we could actually come to a better solution. Frankly, I personally think this should go back to the DHHS Committee for further review. I'm obviously not going to make that motion, but I will be voting against the current motion because I do think every single year, I've been here for years, and this problem hasn't gone away. It continues to get worse and worse and worse, and we continue to cut and cut and cut funding for addiction treatment, and we are not coming up with new ideas for how to deal with this. I will be voting against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I'll be very brief and reiterate what some of my colleagues have said. I think there is very, very good policy behind this legislation, but this legislation will not work in terms of making sure that our policy moves forward. This legislation would allow federal qualified health centers to apply to be methadone clinics. We heard loudly and clearly in committee that the FQHCs will not be applying, even if they were given the opportunity because of issues around funding and security, all the issues that the Representative from Chelsea mentioned a few moments ago. Just to underscore what we did do, we have told the department to go back to its Substance Abuse Advisory Committee and come back to us with some real solutions that will further the policy of making sure that people get treatment in the most sane, rational way in their communities. I'm going to be supporting the Majority Report today. Again, I think there is good intent and very good policy underlying this, but I don't think this is the right solution right now. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Freedom, Representative Jones.

Representative **JONES**: Mr. Speaker, a couple of general comments. First of all, I'd like to commend my colleague from Portland and my dear friend from Amherst for recognizing that indeed what we are doing is not working, and I would like to pose a question through the Chair.

The SPEAKER: The Representative may proceed.

Representative **JONES**: Thank you, Mr. Speaker. Would the good Representative from Rumford or the Representative from Portland, who are on the Minority Report, care to speak to their disagreement with the current motion?

The SPEAKER: The Representative from Freedom, Representative Jones, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Rumford, Representative Peterson.

Representative **PETERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I agree with several statements that have been made in this chamber this morning. I do believe that methadone and Suboxone treatment are certainly controversial forms of treatment and we should be looking holistically at all forms of treatment that allow people to achieve a level of sobriety. That being said, I would also agree that our current system isn't working in that we should not be transporting people, consuming individuals' days with accessing treatment. We should provide treatment in the most immediate location possible and that is what motivated my decision on this vote. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When I was on Health and Human Services and they started letting people take their Methadone home with them, then I read articles where they started sharing it with people. Someone was found in a driveway dead. They were mixing it with alcohol. Just this past week, a father took his dose of methadone and fell asleep and let a 3-year-old child take some of it. That 3-year-old child died a couple of days later. If they're going to get methadone, I'm not concerned about who's paying for it. They shouldn't be getting transportation. They should be getting their methadone and taking it at the clinic and not bringing it home or bringing it outside of the clinic. I've been against this operation of them getting rides and taking this stuff off of the property. If they're going to have methadone, I believe they should take it at the clinic and not anywhere else. Thank you.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I would like to address a couple of things, but right off the bat, ladies and gentlemen, this is a red letter day. It is not very often. The good Representative from Westbrook and I actually are arm and arm on something and agree on something, so I think that says a lot for how the bill came out of committee. The good Representative from Portland said we were kicking the can down the road. Well, we're not. There is a complete acknowledgement of what the problem is. There is the intent on the committee to have the department; we really want the department to look into putting a lot of this stuff out into the community, not having to ship people so far. But here's the reality. The FQHCs, we're talking \$125 per day versus \$60 per week. Now, if you want to add that up times the number of people that we are trying to serve, then you're going to have to choose a lot of stuff that you want to do without because we are already not serving people. We're already not funding education. We're already struggling over revenue

sharing. We appreciate the intent, but there is a huge cost to this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Stuckey.

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The answer to the question that was posed to me, I am on the Minority Report on this issue precisely because I wanted to make sure that this conversation that we just had happened. I would encourage, however you vote today, that you not forget that there is enormous agreement in our committee that there is a problem, there is a solution, but we're not there yet and we need to have more conversation to find that common ground and that's why I was opposed to having a unanimous report out of this committee because I think it's very healthy that this conversation continues. I'd encourage us not to forget what has been pointed out today, that there is a huge problem. We know how to solve it. We just need the will to do that. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative **RUSSELL**: Thank you, Mr. Speaker. We continue to hear that we're sending this back to the department for information and what have you. I'm curious as to why this has not happened four years ago, five years ago, six years ago. This has been an ongoing problem and why are we waiting until now to send a question to the department about how best to move forward on an issue that we all know is a growing problem?

The SPEAKER: The Representative from Portland, Representative Russell, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Mr. Speaker, I don't know why this wasn't sent back four, five, six years ago. I wasn't here then. However, as the years go by, our drug addiction problems are getting worse and worse. The department is doing tremendous efforts – outreach, programming, etcetera – to try and bend the curve, if you will, in the rising numbers of those addicted. They understand that this is a problem, just as we understand that this is a problem. They understand that this bill has the proper intent. The department is continually looking for other ways to serve our individuals who suffer from addiction and, hopefully, will try and get on top of this problem. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 485

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Bennett, Berry, Black, Boland, Bolduc, Brooks, Campbell J, Campbell R, Cassidy, Chase, Chenette, Clark, Cooper, Crafts, Crockett, Daughtry, Davis, DeChant, Dickerson, Dion, Doak, Dorney, Dunphy, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Fredette, Gattine, Gideon, Gilbert, Graham, Grant, Hayes, Herbig, Hubbell, Jackson, Johnson P, Jorgensen, Kaenrath, Keschl, Kinney, Knight, Kruger, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McGowan, McLean, Monaghan-Derrig, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Noon, Nutting, Parry, Pease, Peoples, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Rykerson, Sanborn, Sanderson, Saucier, Short, Sirocki, Stanley, Theriault,

Timberlake, Turner, Tyler, Villa, Volk, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Briggs, Chipman, Cotta, Cray, Devin, Dill, Duprey, Frey, Gifford, Gillway, Goode, Guerin, Hamann, Harlow, Hickman, Hobbins, Jones, Kent, Kornfield, Lockman, Long, Moonen, Peterson, Russell, Schneck, Stuckey, Tipping-Spitz, Verow, Wallace.

ABSENT - Carey, Casavant, Chapman, Harvell, Johnson D, Peavey Haskell, Saxton, Shaw, Treat.

Yes, 113; No, 29; Absent, 9; Excused, 0.

113 having voted in the affirmative and 29 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

The House recessed until 11:40 a.m.

(After Recess)

The House was called to order by the Speaker.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Bill "An Act Related to the Report of the Tax Expenditure Review Task Force"

(H.P. 1264) (L.D. 1762)

Which was **TABLED** by Representative BERRY of Bowdoinham pending **PASSAGE TO BE ENGROSSED**.

Representative PARRY of Arundel **PRESENTED House Amendment "A" (H-602)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Mr. Speaker. We had a long discussion on this bill the other day and everybody pretty much knows my feelings on Circuit Breaker being cut and most of my good friends on the other side of the aisle talked about protecting seniors and I agree 100 percent. That's why I put in this amendment, because I'm hoping that we can all agree that cutting up to \$1,300 out of our low-income seniors was a real bad idea in the last budget and I would hope that you would support this motion.

Representative ROTUNDO of Lewiston moved that **House Amendment "A" (H-602)** be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. We need to keep our promise to local communities and their taxpayers. This amendment would break that promise that we made in the bipartisan compromise budget from the last session. It would pick winners and losers among property taxpayers. We can't forget that property taxes do affect renters as well. I hope you will support my motion. Thank you.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-602)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Mr. Speaker. I don't want to say that I'm surprised at the current motion, but I am disappointed. We all talked the other day, on both sides of the aisle, about protecting seniors. I looked at my amendment as something to do just that. With high heating costs and all the other added costs to our low-income seniors, it's just really too bad that we couldn't get support here for my bill. Those seniors really could have used that \$1,200 or \$1,300 to fill their oil tanks this winter and for many other important necessities. I'm one that always thinks that we should help our most vulnerable first and it's too bad that my good friends on the other side of the aisle don't agree with that.

The SPEAKER: The Chair recognizes the Representative from Freedom, Representative Jones.

Representative **JONES**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **JONES**: Thank you. The good Representative from Lewiston pointed out that the current budget proposal respects those neediest among us and it would appear to me, at least at first blush, that the current amendment does restore that promise. I'd like the Representative from Lewiston, if she would be so kind as to respond, is how not approving this amendment would further the prosperity of our most needy citizens. Thank you.

The SPEAKER: The Representative from Freedom, Representative Jones, has posed a question through the Chair to the Representative from Lewiston, Representative Rotundo. The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. As you know, those of us on this side of the aisle have always been very, very strong supporters of the Circuit Breaker program, which is why we pushed so hard to find a compromise when the proposal came before us last spring in Appropriations to do away with the program for everyone under 65 years of age. In Appropriations, we looked at the proposal that is contained in this amendment. It was the same proposal that had come from the Chief Executive to do away with Circuit Breaker for everyone under 65, and we unanimously rejected that proposal in favor of a program that provides property tax relief to older as well as younger middle class families who need property tax relief. I think it was our strong sense that we wanted to not discriminate and we wanted to be able to continue to provide property tax relief to people of all ages who had a legitimate need, and we also didn't want to discriminate against renters. We also wanted to be able to provide property tax relief to renters as well. We are very mindful of the needs of our elderly constituents, but we also felt it was important to address the needs of other constituents who had very pressing financial needs as well. Thank you.

The SPEAKER: The Chair recognizes the Representative from Belgrade, Representative Keschl.

Representative **KESCHL**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **KESCHL**: The question is similar to the issue that we've been talking about, in terms of breaking promises. My question is were not the changes made to the Circuit Breaker program last session, or last year, in fact breaking our promise to our seniors?

The SPEAKER: The Representative from Belgrade, Representative Keschl, has posed a question through the Chair to anyone who may care to respond.

A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-602). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 486

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Cassidy, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Herbig, Hickman, Hobbins, Hubbell, Jorgensen, Kaenrath, Kent, Kornfield, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Peterson, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Verow, Villa, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gillway, Guerin, Harlow, Harvell, Hayes, Jackson, Johnson P, Jones, Keschl, Kinney, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Pouliot, Reed, Sanderson, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Bennett, Carey, Casavant, Chapman, Gifford, Johnson D, Knight, Kruger, Peavey Haskell, Saxton, Shaw, Sirocki, Treat.

Yes, 83; No, 55; Absent, 13; Excused, 0.

83 having voted in the affirmative and 55 voted in the negative, with 13 being absent, and accordingly **House Amendment "A" (H-602)** was **INDEFINITELY POSTPONED**.

Representative STUCKEY of Portland **PRESENTED House Amendment "B" (H-603)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Stuckey.

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. In the budget that passed last spring, there was a commitment to restore \$40 million in revenue sharing to municipalities by finding savings in the Tax Expenditures section of the state budget. These credits and exemptions in our income, sales and excise tax codes are all codified in statute, at some point enjoying the support of the majority of the Legislature and of the Chief Executive. These foregone revenues exceed the General Fund, but never get the same kind of comprehensive scrutiny and evaluation we apply to the rest of our state budget.

As I'm sure you remember, Mr. Speaker, in each of my three terms, as a part of a tax fairness package, I've introduced legislation proposing periodic, comprehensive and transparent review of all the tax expenditures that result in more than \$6 billion in foregone revenues in our state's biennial budget. I'm sure, Mr. Speaker, there are other tax fairness advocates in this chamber today who are as disappointed as I am that the budget balancing solution before us has nothing to do with the original charge to reduce forgone revenues by \$40 million. But be of good cheer, Mr. Speaker, because I bring you in this amendment a modest proposal to get a foot in the door with the review of tax expenditures, and more importantly, takes some small steps to bring more fairness to our overall tax code.

Mr. Speaker, for my proposal to restore \$40 million to the state's municipal revenue sharing program, I've taken recommendations from the Majority Report, from the Tax Expenditure Committee, and made one of my own. From the Tax Expenditure Committee, I propose eliminating the BETR Credit for retailers that brings in about \$5 million, and for myself, I'm proposing eliminating the Shipbuilding Facilities Credit for about \$3 million. I've taken one recommendation from the Majority Report of the AFA Committee, transferred the balance from the Tax Relief Fund for Maine residents to the General Fund for about \$4 million. And I've added another tax fairness proposal: Create a new tax bracket for the top 1 percent by increasing the rate of their income that is over \$289,000 by 0.7 percent, from the current 7.95 to 8.67. That brings in about \$28 million.

Last but certainly not least, Mr. Speaker, my amendment repeals the most egregious part of last year's budget, the Tax Relief Fund for Maine residents, that TABOR-esque requirement that future budget surpluses ratchet down the state's income tax rates. Automatically reducing General Fund revenues arbitrarily and inappropriately impedes future administrations and Legislatures and their ability to respond responsibly to routine and extraordinary budget and policy challenges. And that's bad government. It's a very bad idea, bad policy, and it's been soundly rejected by Maine voters twice.

Finally, Mr. Speaker, there are lots of compelling uses for \$15 million in new revenue, but if we are inclined to use them for property tax relief, I believe the best use would be to restore the Property Tax and Rent Refund Program where tax fairness rebates were cut from \$1,600 to \$300 in the last budget. Men and Women of the House, I urge you to join me in responding responsibly to our commitments to the people of Maine and to the municipalities they live in, by using principles of tax fairness to restore \$40 million to the state's Municipal Revenue Sharing Program. We will also repeal the fiscally dangerous and incredibly regressive Tax Relief Fund for Maine residents. Thank you, Mr. Speaker, and Mr. Speaker, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-603)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

Representative ROTUNDO of Lewiston moved that **House Amendment "B" (H-603)** be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. While I appreciate the effort and care that's gone into this proposal, I would urge you not to support this amendment. Some of these ideas have been weighed and rejected, some are still under consideration and others have not yet had an adequate public hearing. I urge you to consider this, given that we have momentum with the unamended version of the bill and vote to Indefinitely Postpone the amendment. Thank you.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-603)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Rather than Indefinitely Postpone this amendment, once again, I'd like the House to vote up or down. I'd like to point out a few things about our current appropriations and financial affair policies in the State of Maine.

In this last Legislature, we've threatened – and that's one of the amendments we're considering is to modify the revenue sharing – we've threatened the revenue sharing proposal that we've held to our communities since over 40 years ago. We've functionally eliminated the Circuit Breaker which is the property tax relief for our poorest brothers and sisters and friends and neighbors, mothers and fathers, grandmothers and grandfathers, and sons and daughters. Finally, without properly reacting, we're looking at transferring our state's responsibilities to fully fund our statutory obligations on to the nastiest and most regressive taxes of all which are the property taxes. Rather than Indefinitely Postpone this amendment, Mr. Speaker, I would urge the House to vote this up or down to restore some sanity, at least in our opinion or the presentation of our collected opinion, as a body, regarding how we properly perceive raising revenue in our state. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-603). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 487

YEA - Ayotte, Beaudoin, Beaulieu, Beck, Berry, Black, Bolduc, Campbell J, Campbell R, Cassidy, Chase, Chenette, Clark, Cotta, Crafts, Cray, Crockett, Davis, DeChant, Dickerson, Dill, Dion, Doak, Dorney, Dunphy, Duprey, Espling, Farnsworth, Fitzpatrick, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Harvell, Hayes, Herbig, Hobbins, Hubbell, Jackson, Johnson P, Jorgensen, Kaenrath, Kent, Keschl, Kinney, Kornfield, Kumiega, Lajoie, Libby A, Libby N, Lockman, Long, Longstaff, Luchini, MacDonald S, MacDonald W, Maker, Malaby, Marean, Marks, Mason, Mastraccio, McCabe, McClellan, McElwee, McLean, Moriarty, Morrison, Nadeau A, Nadeau C, Nelson, Newendyke, Nutting, Parry, Peterson, Plante, Pouliot, Powers, Priest, Pringle, Rankin, Reed, Rochelo, Rotundo, Sanborn, Sanderson, Saucier, Schneck, Short, Sirocki, Stanley, Theriault, Timberlake, Turner, Tyler, Verow, Villa, Volk, Wallace, Weaver, Welsh, Werts, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Boland, Briggs, Brooks, Chipman, Cooper, Daughtry, Devin, Evangelos, Hamann, Harlow, Hickman, Jones, Kusiak, McGowan, Monaghan-Derrig, Moonen, Noon, Pease, Peoples, Russell, Rykerson, Stuckey, Tipping-Spitz.

ABSENT - Bennett, Carey, Casavant, Chapman, Gifford, Johnson D, Knight, Kruger, Peavey Haskell, Saxton, Shaw, Treat.

Yes, 115; No, 24; Absent, 12; Excused, 0.

115 having voted in the affirmative and 24 voted in the negative, with 12 being absent, and accordingly **House Amendment "B" (H-603)** was **INDEFINITELY POSTPONED**.

Representative CRAY of Palmyra **PRESENTED House Amendment "C" (H-604)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative Cray.

Representative **CRAY**: Thank you, Mr. Speaker, and I will make this real brief. I've always ran on the fact that I believe in Augusta we have a spending problem as much as we have a revenue problem, and I believe that this would help set some priority on where we're spending our money. It's as simple as that.

Representative ROTUNDO of Lewiston moved that **House Amendment "C" (H-604)** be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. The amendment

before the body does not fulfill our promise. It falls \$11 million short of the mark. It does so by unwisely cannibalizing efforts to make our state more energy efficient, a point that should be in our minds as many worker and middle class Mainers struggle to pay for their heat. Aspects of this proposal have not seen scrutiny of a public hearing. We need to keep our eyes on the prize, keep our promise to local communities. We have the momentum with a bill that we gave initial approval to last week and I hope you will join me in voting to Indefinitely Postpone the amendment before us. Thank you.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-604)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I appreciate the intentions of my good friend from Palmyra, Representative Cray, to find an alternative solution to revenue sharing; however, I rise in support of the pending motion, specifically as it relates to the \$14 million from Efficiency Maine. As everyone knows, I do support the idea that we should reduce our heating costs through efficiency, but that's actually not why I'm rising to speak. I want to be very clear about what this amendment does and I hope you'll consider very carefully the implications of that. The assessments collected from transmission and distribution utilities and gas utilities are collected from electricity and gas ratepayers. This is not taxpayer revenue. This is ratepayer revenue. It's what you see on your utility bill. This amendment would then set a new precedent that makes utility consumers an unfortunate cash cow to fund the annual budget. Now, regardless of how you feel about Efficiency Maine or its purpose, consider carefully whether this is a precedent you wish to set. If you believe that utility ratepayers should fund general operating expenses for the budget, by all means support the amendment and vote against Indefinitely Postponing it. If, however, you believe the energy ratepayer money should support energy related expenses and that that policy discussion about how that money is funded, which energy related expense that money should go to, I ask you to follow my light and Indefinitely Postpone this. Again, this is about using your utility bills to pay the general operating expenses of the budget. Again, while I appreciate my good friend from Palmyra's attempt to find an alternative solution to revenue sharing, I just ask folks that they consider whether the utility bill is the appropriate source of revenue. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "C" (H-604). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 488

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Campbell R, Cassidy, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Dunphy, Duprey, Espling, Evangelos, Farnsworth, Fitzpatrick, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Guerin, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Keschl, Kornfield, Kumiega, Kusiak, Lajoie, Libby A, Libby N, Longstaff, Luchini, MacDonald W, Maker, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Newendyke, Noon, Pease, Peoples, Peterson, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier,

Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Verow, Villa, Volk, Welsh, Werts, Winchenbach, Mr. Speaker.

NAY - Ayotte, Beaulieu, Black, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Fredette, Jackson, Johnson P, Kinney, Lockman, Long, MacDonald S, Malaby, Marean, McClellan, McElwee, Nadeau A, Nutting, Parry, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Wallace, Weaver, Willette, Wilson, Winsor, Wood.

ABSENT - Bennett, Carey, Casavant, Chapman, Gifford, Harvell, Johnson D, Knight, Kruger, Peavey Haskell, Saxton, Shaw, Treat.

Yes, 100; No, 38; Absent, 13; Excused, 0.

100 having voted in the affirmative and 38 voted in the negative, with 13 being absent, and accordingly **House Amendment "C" (H-604)** was **INDEFINITELY POSTPONED**.

Representative BEAULIEU of Auburn **PRESENTED House Amendment "D" (H-605)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Beaulieu.

Representative **BEAULIEU**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. This amendment is a relatively simple presentation. It creates a task force to review state and municipal revenue sharing. Its recommendations could work to develop sustainability and stability within this particular area of revenue distributions. Cities and towns work hard to meet their obligations to the state. They are good partners. Unfortunately, we reciprocate with additional mandates and an unstable distribution of funds, something that they really probably should be more secure in. I mean, they do a lot – taking care of roads, education, invest huge monies in the economies and local economies, hire new employees, pay taxes, and they do a lot of great things, and certainly, I think, meet a standard which probably is something we would hope that they would continue to do. Cities should be rewarded for being a good partner in this governing process and property taxpayers should not be penalized for the state's inability to keep our own house in disarray or in order. This amendment has the potential for creating a new course for a more equitable and balanced approach to revenue sharing in the future. I would appreciate your support for this measure and I thank you once again for the opportunity to make this presentation.

Representative ROTUNDO of Lewiston moved that **House Amendment "D" (H-605)** be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. This amendment is not needed in order to achieve the purpose of its sponsor. We currently have two bills in Appropriations right now, which are designed to address stability for revenue sharing. Both of those bills could be used as vehicles for a study of municipal funding as well. Please join me in voting Indefinite Postponement for this amendment. Thank you.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "D" (H-605)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "D" (H-605). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 489

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Cassidy, Chenette, Chipman,

Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Peterson, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Verow, Villa, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gillway, Guerin, Harlow, Harvell, Hayes, Jackson, Johnson P, Keschl, Kinney, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Bennett, Carey, Casavant, Chapman, Gifford, Johnson D, Knight, Kruger, Peavey Haskell, Saxton, Shaw, Treat.

Yes, 84; No, 55; Absent, 12; Excused, 0.

84 having voted in the affirmative and 55 voted in the negative, with 12 being absent, and accordingly **House Amendment "D" (H-605) was INDEFINITELY POSTPONED.**

Representative FREDETTE of Newport **PRESENTED House Amendment "E" (H-606)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, in my opinion, I think one of the most troubling issues that we have in this bill is the need that we are going to need money to pay the 2014 bills. So this amendment allows for the \$25 million that is removed from the Budget Stabilization Fund to not come from that fund, but in fact, because of the failure of the Tax Task Force, we would actually, this amendment would allow the Office of Policy and Management to bring forward recommendations for a \$25 million filler in there rather than taking the money out of the Budget Stabilization Fund that, quite frankly, we may end up needing to pay 2014 bills. Therefore, I move the passage of this amendment. Thank you, Mr. Speaker.

Representative ROTUNDO of Lewiston moved that **House Amendment "E" (H-606) be INDEFINITELY POSTPONED.**

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. We currently have before the Appropriations Committee \$22.5 million in cuts that have been proposed by the Office of Policy and Management. These cuts are cuts that I know many, many of us in this chamber oppose. For example, part of the \$22.5 million proposed by the Office of Policy and Management include significant cuts to public education, higher education and Head Start. I don't believe that these cuts that have been brought before us represent the values of the people of Maine. We don't need more cuts of this nature coming from the Office of Policy and Management. This is not the process that we should use to keep our promise to the people of Maine and to our towns. I would urge you please to join me in voting for Indefinite Postponement. Thank you.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "E" (H-606).**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Freedom, Representative Jones.

Representative **JONES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I pose an observation and then a question for my good colleague from Newport. My understanding, and please correct me if I'm wrong, is that the funding for this House Amendment "E," filing number 606, requires on administrative savings that can be achieved administratively. I'd like to pose a question through the Chair to my good colleague from Newport.

The SPEAKER: The Representative may proceed.

Representative **JONES**: Thank you, Mr. Speaker. If these savings are indeed real, A, why haven't they been realized and the House been informed of those, and B, why were they not included in the current budgetary proposal from the Executive?

The SPEAKER: The Representative from Freedom, Representative Jones, has posed a question through the Chair to the Representative from Newport, Representative Fredette.

A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "E" (H-606). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 490

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Cassidy, Chenette, Chipman, Cooper, Crockett, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Peterson, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Verow, Villa, Welsh, Werts, Mr. Speaker.

NAY - Ayotte, Beaulieu, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Davis, Doak, Dunphy, Duprey, Espling, Fitzpatrick, Fredette, Gillway, Guerin, Jackson, Johnson P, Keschl, Kinney, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pease, Pouliot, Reed, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood.

ABSENT - Bennett, Carey, Casavant, Chapman, Gifford, Harvell, Johnson D, Knight, Kruger, Peavey Haskell, Sanderson, Saxton, Shaw, Treat.

Yes, 87; No, 50; Absent, 14; Excused, 0.

87 having voted in the affirmative and 50 voted in the negative, with 14 being absent, and accordingly **House Amendment "E" (H-606) was INDEFINITELY POSTPONED.**

Representative LOCKMAN of Amherst **PRESENTED House Amendment "F" (H-607)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Amherst, Representative Lockman.

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Here we are again. Where did all the money go? I think we all knew when we left this building last July that the budget we enacted over the Chief Executive's veto was not balanced. Even with a 10 percent increase in sales tax and a 14 percent increase in the meals and lodging tax, that budget was glued together with duct tape and chewing gum, and now here we are again to plug the leaks.

Before we implement a onetime solution to a long-term problem, I rise before you to present an alternative. When I talk about reducing the size of state government, some people like to ask me, "Well, what specifically would you cut?" as if I won't have an answer. Well, here's my answer. In fact, here are 25 million answers and it's just the tip of the iceberg that is sinking Maine's economic ship. I offer a floor amendment that reduces Maine's out of control welfare spending which now ranks second in the nation as a share of overall state spending. It eliminates so-called optional service for Medicaid, services not required by the federal government and not offered by many other states. These are nonessential services, such as chiropractic and STD screening. It eliminates General Assistance welfare benefits. We can't control many of our welfare programs that are a federal-state partnership, but GA, we can control. It eliminates taxpayer funding for methadone. Now, before the army of nonprofit advocacy groups cries foul, remember that we're not taking away methadone. We're taking away our money for its use. We have been patching the leaking holes in our budget with sticks of gum. It's time to bring the ship into the dry dock for a complete overhaul. Until we get serious about long-term structural welfare spending, we will be in a perpetual state of budget crisis. Thank you, Mr. Speaker. I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "F" (H-607)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

Representative ROTUNDO of Lewiston moved that **House Amendment "F" (H-607)** be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Amendment "F" is a litany of ideas that have been considered by the Appropriations Committee and rejected in a bipartisan way on more than one occasion. I just appeal to all of you to keep our focus on our top priority of keeping our promise to our local communities and averting a property tax hike for residents and businesses that we represent. Please join me in voting to Indefinitely Postpone Amendment "F." Thank you.

Representative BERRY of Bowdoinham **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "F" (H-607)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "F" (H-607). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 491

YEA - Beaudoin, Beavers, Beck, Berry, Boland, Bolduc, Briggs, Brooks, Campbell J, Cassidy, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Espling, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Guerin, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Peterson, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Verow, Villa, Welsh, Werts, Winchenbach, Mr. Speaker.

NAY - Ayotte, Beaulieu, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dunphy, Duprey, Fitzpatrick, Fredette, Gillway, Harvell, Jackson, Johnson P, Keschl, Kinney, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winsor, Wood.

ABSENT - Bennett, Carey, Casavant, Chapman, Gifford, Johnson D, Knight, Kruger, Pease, Peavey Haskell, Saxton, Shaw, Treat.

Yes, 89; No, 49; Absent, 13; Excused, 0.

89 having voted in the affirmative and 49 voted in the negative, with 13 being absent, and accordingly **House Amendment "F" (H-607)** was **INDEFINITELY POSTPONED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH**.

The following items were taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act To Authorize a General Fund Bond Issue for the Purchase of the Bar Harbor Ferry Terminal"

(S.P. 702) (L.D. 1767)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

Bill "An Act To Clarify and Update a Nurse's Authority To Administer Medication"

(S.P. 701) (L.D. 1766)

Came from the Senate, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

Pursuant to Joint Order

Criminal Code Revision Planning Committee

Report of the **Criminal Code Revision Planning Committee** pursuant to Joint Order, S.P. 31 asks leave to report that the accompanying Bill "An Act To Establish the Criminal Law Revision Commission" (EMERGENCY)

(S.P. 700) (L.D. 1765)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill was **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

REPORTS OF COMMITTEE

**Refer to the Committee on Education and Cultural Affairs
Pursuant to Public Law**

Report of the **Joint Standing Committee on Education and Cultural Affairs** on Bill "An Act To Implement the Recommendations of the Report Defining Cost Responsibility for Deaf and Hard-of-hearing Students Receiving Services from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf"

(S.P. 703) (L.D. 1769)

Reporting that it be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** pursuant to Public Law 2013, chapter 347, section 1.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

On motion of Representative BEAULIEU of Auburn, the House adjourned at 12:51 p.m., until 10:00 a.m., Thursday, February 13, 4014.